

Interview

The Art of Collective Bargaining: An Interview with Carole Condé and Karl Beveridge¹

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Introduction

Toronto-based visual artists Carole Condé and Karl Beveridge are internationally known for their staged photography rooted in workers' experiences, labour struggles, and social movements. Condé and Beveridge's work, a critical response to unfettered capitalism and ecological crisis, includes such recent pieces as *Scene Otherwise* (2012), a photomontage based on the Occupy encampment in Toronto; *Precarious* (2010), a series addressing unstable employment among college support staff; *The Plague* (2009), a tableau of the recurrent convulsions of finance capital set in a quintessential space of flows, an airport terminal; and *Fall of Water* (2006–2007), a photographic epic, based on Pieter Bruegel's *The Fall Of The Rebel Angels* that depicts the planetary water crisis and the political conflicts surrounding it.

Condé and Beveridge's practice was not always so overtly politicized. In 1969, the couple, then working independently as conceptual artists, left Toronto for the New York art world. Caught up in the political tumult of that city's art scene in the 1970s, the artists took a radical turn. Their political shift was marked by their controversial 1976 Art Gallery of Ontario exhibition, *It's Still Privileged Art*, a collaborative show targeting the inequities and complicities of the art market system. Since resettling in Toronto in the late 1970s, Condé and Beveridge have pursued a political art practice distinguished not only by the representation of the lives and struggles of working people, but also by close collaboration with the trade union movement.

Condé and Beveridge's art and activism extends beyond photography to the building of infrastructures for labour-centred cultural production. The couple was integral to the creation of Toronto's Mayworks Festival of Working People and the Arts and Hamilton's Workers' Arts and Heritage Centre. Condé and Beveridge have also been

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protagonists in efforts to collectively organize artists in Canada, from active involvement in the Canadian artist-run centre movement in its formative years to founding the Independent Artists' Union (IAU). The IAU organized in Ontario in the 1980s, calling for a living wage for artists—a demand with continuing relevance given the precarious socio-economic conditions of artists in this country (Miranda, 2009). Beveridge has also served as the co-chair of the Bargaining Committee of CARFAC (Canadian Artists' Representation/*le Front des artistes canadiens*), the professional visual artists' organization whose advocacy since the late 1960s has enabled countless artists in Canada to be compensated for their work.

We interviewed Condé and Beveridge as part of a larger research project, *Cultural Workers Organize*, which explores collective organization in the arts, media, and cultural industries.² Condé and Beveridge spoke about a range of topics, from the Independent Artists' Union to *Status of the Artist* legislation and the labour dispute between CARFAC/RAAV and the National Gallery of Canada. Present throughout our discussion is the struggle for, and through, collective bargaining—a process that clashes sharply with the prevailing reputation of artists as role models of contemporary capitalism, which puts a premium on creativity, flexibility, and risk-taking. In an age of deepening precarity, creative class boosterism, and do-what-you-love ideology, Condé and Beveridge's art and activism has much to contribute to our understanding of the on-going value struggles marking cultural production in Canada.

*We'd like to begin by asking how you came to focus on labour in your art practice and, since it's an integral part of your practice, why you chose to collaborate with trade unions?*³

Carole Condé (CC): In the late 1960s we were working in Toronto making sculpture. We wanted to go to the centre of the fine art world—New York City. We took off in 1969. We were trying to get people to see our work there. A dealer would say, "Oh, I've had twenty people from different countries show me exactly the same kind of work." Everybody had learned from the same art-world view.

Karl Beveridge (KB): We were kind of end-running a conceptual art game. I was doing minimal sculpture. It would have one line and one steel rod. I did countless variations. There was no room to move at a certain point. Your future could be endlessly repeating the same gesture.

CC: There was a push to politicize the art world in New York in the late '60s and '70s.⁴ For example, I was involved with the Ad Hoc Women's Art Committee. We were picketing the Whitney Museum of American Art for not showing work by women. We were also involved in Art & Language, a group of conceptual artists. Art & Language was meeting with likeminded organizations and, we all said, "We should start calling people together." A group around *The Fox*, a publication critiquing the art world (that included members of Art & Language), met with members of the Art Workers Coalition. Out of that formed the organization Artists

Meeting for Cultural Change. They could have meetings with 250 people. You had so many artists living in a small area in SoHo.

KB: A focus point of Artists Meeting for Cultural Change was a critique of a Whitney Bicentennial exhibition featuring the Rockefeller collection.⁵ One of the groups leafleting was a Maoist organization out of Newark, New Jersey, called the Anti-Imperialist Cultural Union. We became involved with that. Before this, within Art & Language, we had reading groups around capital and Marxism, so a class analysis was developing. I was at an Anti-Imperialist Cultural Union meeting in the Bronx, and a guy said, “Oh, somebody shot through that window during the last meeting.”

CC: We had no roots in that community.

KB: It was through that kind of experience—not only through developing a class analysis—that we decided to return to Canada. We realized that if we stayed in New York and began connecting with communities, we’d be parachuting in. Part of the discussion was also that making political art within the art market system doesn’t go anywhere. You have to connect with people outside. We decided to come back to Toronto and connect with communities here. Given our politics, it became logical to connect with the union movement.

CC: We started by doing banners and posters and going to demos. We went to the United Steelworkers initially because I was involved with its women’s support group. We showed our work to a Steelworkers communication officer. And then we got introduced to union activists involved in a labour dispute at Radio Shack—and those activists linked us to the Radio Shack warehouse workers in Barrie, Ontario, who went out on strike for eight months. That was our first connection.⁶

If you work within a union, you have a structure. Through that, in our art practice, we can go in and meet with working people. We can get their stories, come back, show them our work, get their critique, and make changes. It’s a back and forth—that’s the important part.

KB: We also realized that it was important to have a structure for mediating our differences as artists and as workers. How do you negotiate that relationship? And how do you make sure that relationship is an exchange, so that it’s not only about workers’ experiences and issues, but it’s also about getting them thinking about cultural issues? We need to fight around social justice issues, but we also have to fight around cultural issues. We’ve always seen working within cultural institutions as incredibly important politically, too. You can’t leave them alone. It’s important to struggle within cultural institutions themselves to democratize them. We also felt it was important to build an infrastructure within the community. One of the reasons for working with trade unions is they have that capability. They’re a major oppositional force in society.

CC: We were involved with starting the Arts and Labour Committee in the Ontario Federation of Labour, the Mayworks Festival of Working People and the Arts, and the Workers' Arts and Heritage Centre in Hamilton. The balance we try to strike is that you're political in your artwork and you're trying to get workers' progressive voices out there.

Artists have a reputation as being difficult to organize. Over the years, you've been involved in many efforts to collectively organize cultural workers, including the Independent Artists' Union (IAU). Can you tell us why the IAU was started? What were some of its demands, achievements, and lessons?

CC: The IAU started in the mid-'80s. Some might wonder why it came about since there was already CARFAC. At that time, CARFAC was still trying to work across Canada and get its own organization going. But it was relatively conservative.

KB: CARFAC saw itself as a professional service organization then, and it had internal struggles. One point of contention was Canadian nationalism, which is partly what CARFAC was founded on. You had to be a Canadian citizen to join at that time. There was a divide between those members arguing for a closed shop and those saying, "You have to allow landed immigrants in." The organization was split over that.

CC: Canada didn't have as developed an art school system at the time, and Americans were getting university jobs over Canadian artists. That was where "you-have-to-be-Canadian" came from.

The IAU lasted three or four years. Toronto was its centre, and then Hamilton, Thunder Bay, Kingston, Windsor, Sudbury, and Ottawa got organized, too. One thing we were fighting for was a living wage. It was then, like it is now, difficult for artists to make a living. Most of us were anti-dealer. And many of us were earning money by teaching. Few could actually work as an artist full time.

KB: A new generation of artists was coming up in Toronto in the '80s that was knowledgeable about the politics in New York and Europe in the '70s. They had a political consciousness. And there was dissatisfaction with CARFAC. The IAU brought people together. We started by looking at independent contractor unions, because artists appear to be independent contractors. And then we came across the notion of dependent contractors and the idea that you can legally organize them because they're constantly working for the same employer. Our argument was that the art institutions are the constant employer. Canada Council for the Arts is one of the major ones, but also all the institutions that pay fees through grants from the arts councils.

We argued that artists are dependent contractors. And then we proposed that, instead of having grants that we compete for, let's systematize the funding into a living wage. We calculated that if the arts councils' budgets were doubled—which they

should have been given reasonable rates of increase—you could secure at least a minimum wage. We argued that if you pooled the money within the system and distributed it differently, it could sustain artists.⁷

CC: The only way you would ever achieve something like that would be through a supportive union movement. But the unions were doing little organizing work beyond their own constituency.

KB: At the IAU's height, there were about 1,000 members in Ontario, mainly in Toronto. We got to the point where we sat down with the Ontario Arts Council to talk about the feasibility of a living wage for artists. We called it "negotiations"; they called it a "discussion." They claimed sympathies, but it was clear they weren't going to do anything.

What the IAU probably achieved was a kind of consciousness. Our slogan was "a living culture, a living wage." What's interesting is how immediately people got the IAU. We were able to organize quickly. It was word of mouth. Another piece, when we're talking about organizing artists, is artist-run centres. It's there that, in theory, artists take over the distribution of their work.⁸ Artist-run spaces run fairly parallel to CAREFAC and the IAU. It was partly through the network of artist-run centres that IAU was able to organize in places like Thunder Bay. And, because artists already understand the concept of artist-run versus private dealer, you have a certain consciousness there.

CC: After a while, it was hard to keep the IAU going with only volunteers. Unless you're actually organizing, unless you've got somebody who's paid to do this, it's difficult to maintain.

KB: The IAU had one big demand: the living wage. What I think we learned was that we should have broken it down into more achievable steps. At the same time, some people in the group said, "If we're going to ask for a living wage for artists, we should ask for a living wage for everybody." That's true on a certain level, but it means another scale of organization.

It's worth adding that, in the mid-'80s, Paul Siren and Gratien Gélinas set up consultations in the lead up to the federal *Status of the Artist* legislation and what it should contain.⁹ The IAU met with them. I think our important contribution was arguing that collective bargaining—whatever form it might take—had to be part of *Status of the Artist*.¹⁰ Enough artists were in agreement with that goal to be able to strongly make the point.

The IAU kind of petered out. But we still march every Labour Day to keep the spirit alive.

In the years after the Independent Artists' Union subsided, Karl, you became active in CAREFAC and have served as co-chair of the CAREFAC Bargaining Committee. Can you tell us about your involvement, particularly in terms of artist fees? What are some of the lessons you've learned?

KB: I joined CARFAC in 1969, a year after it was founded. I got more involved in the late '70s when we came back from New York, but I started to distance myself when we became involved in the IAU. I got active with CARFAC again after the IAU fell apart near the end of the '80s. After sitting on the board of CARFAC Ontario in the '90s, I got involved at the national level in the early 2000s, still with the idea of collective bargaining in the back of my mind.

We started asking, "How are we actually going to change things?" Through its Minimum Fee Schedule,¹¹ CARFAC had been getting fees for artists through a voluntary compliance system that the institutions more or less abide by. Some nickel and dime it, but it's generally followed. But the fees were only increasing to keep up with the cost of living. Artists weren't making real gains. There was also a contradiction: an artist-run centre like A Space Gallery,¹² which has an annual budget of about \$250,000, was paying the same artist fees as an institution like the National Gallery, which has a multi-million dollar budget.

We talked about tying fees to budget capabilities. So, we redesigned the fee schedule around five tiers—institutions with a budget of \$5 million and above; \$2 million; \$1 million; \$500,000; and the rest. We spaced the increases over ten years. Just to get it to the proposed minimum fee within a decade, the National Gallery would probably have an annual increase of 25 percent, while it might be 5 percent for the bottom tier. We published that fee schedule in 2003. The institutions wouldn't accept our logic.

As we see it, artists have three sources of income: sales, grants, and fees. You have no control over sales that are run by dealers in the private market. With grants, all you can do is lobby for more funding. Negotiating fees is the only way you can directly affect artists' incomes and gain increases. The institutions admit that artists live poorly. But when you sit down together to say, "Let's do something about it"—nothing. That, for me, is the lesson of the negotiating process: the institutions don't feel an economic responsibility towards us.

CARFAC has been in fraught negotiations with the National Gallery of Canada for a number of years now. Karl, you've served as co-chair of the CARFAC Bargaining Committee. Why did CARFAC target the National Gallery?

KB: *Status of the Artist* legislation limits us to federal institutions. So, CARFAC can negotiate with institutions like the National Gallery, the Canada Council for the Arts, the Canadian War Museum, and the Canadian Museum of Civilization. Because most of those institutions use contemporary artists only sporadically, the National Gallery was an obvious target. Maybe thirty artists a year would be eligible for various fees for exhibiting at the National Gallery, so a collective agreement wouldn't directly affect a huge number of artists. But it would have significant impact on the institutional structure. And a collective agreement with the National Gallery could set a model—that's where there's fear from other institutions.

What were the challenges that you came up against in the National Gallery negotiations? Why was the process so drawn out? What, from your point of view, were some of the most significant items on the table? What were some of the sticking points?

KB: We entered negotiations with the National Gallery in 2003. CARFAC does joint bargaining with our Québec counterpart, RAAV (*Le Regroupement des artistes en arts visuels du Québec*). After serving the National Gallery with a notice to bargain, our team had its first meeting with *one* gallery representative, the director of exhibitions. We stated that under *Status of the Artist* we're able to negotiate fees that come under copyright as well as fees for lectures and consultation and all the rest of it. He told us, "I'll get back to you." We said, "Yeah, you have to by law."

The second meeting was with the director of exhibitions and a gallery person doing copyright. We didn't want to get into a situation of bargaining between lawyers, because we couldn't afford it. They did bring in a lawyer from time to time, which actually worked to our advantage at times. We'd go over and over the clauses. By the third meeting, I realized they were not going to put anything on the table. So, we wrote up a draft agreement. I looked at existing contracts under *Status of the Artist* to piece together what I thought we needed. We put that on the table, and they would go through it, over and over.

One of the contentious issues was a grievance procedure. Dispute resolution had to be in the agreement. It came down to the issue of arbitration. There's no way CARFAC/RAAV can do arbitration. We'd be bankrupt on the first dispute. It costs a fortune. We had to find another mechanism. We proposed a mediation process, where we set up a joint committee to try to resolve an issue, and whatever that committee decides would be binding. This would give us a break. But they kept insisting that arbitration be in there.

Another difficult issue is termination. They wanted to be able to terminate an exhibition for any reason. An artist's only recourse would be civil law. Only an artist like Jeff Wall could afford to put that through court! We got a clause in there so that every effort had to be made to reschedule. Then the discussion was, "If a show's cancelled, what's the compensation?" Our position was full fee: "You cancel, you pay." This is an institution with a more than 50 million dollar budget. There are some agreements in the sector where the closer you get to the exhibition, the more of the fee you get. We finally got language in the agreement for compensation for termination. It's not great, but it's something.

One question that took a year of discussion was, when the gallery approaches an artist with an interest in exhibiting their work, at what point does a contract kick in? At some point, the institution has to commit. Big institutions often start their discussions with an artist three years prior to an exhibition. One of the things that they've agreed to is what we call initial consultation. This means that an artist gets paid for their work in early discussions, phone calls, and emails: "What works would you think about?" "Can you send us some images?" "Can you write a statement?" "How would you think of the exhibition?" This is all the back and forth between the

curator, who is being paid, and the artist, who isn't being paid. We're saying, "No, the artist has to be paid."

What museums are calling copyright fees include the exhibition fee as well as reproduction fees. The exhibition fee usually includes the reproduction of work for exhibition publicity. Most institutions don't pay separate reproduction fees. We agreed to Web publicity—but they were asking artists to sign off on putting their stuff on their website. What they were talking about is setting up this international archive of art works and collections. We argued that is a reproduction use. That was a huge issue that took years to address.

If you look at the Governor General's art award lists, many are CARFAC or RAAV members. But people still dismiss CARFAC, saying "It's just an organization of hobbyists." You could read it in the attitudes at the negotiating table at the early stages. The insinuation was, "The artists we have, we treat well, and they're special, they're not like you guys."

Why did CARFAC end up going to court with National Gallery?

KB: In 2007, they suggested that it's possible that CARFAC doesn't have the right to negotiate copyright fees. After that meeting, there was a change in the gallery's directors, which put a pause in negotiations. They set up a new negotiating team and hired a lawyer as their chief negotiator. At the next meeting he has us go through all the stuff that we have in the agreement. We return the second day and they present an agreement stripped of copyright references. Copyright fees had been part of our negotiations from the beginning. At that point, we broke off negotiations.

As an example of how to resolve the issue of copyright fees, we brought in an agreement between the *Union des écrivaines et des écrivains québécois* and the Department of Heritage, which has in it what they call an "experimental clause." Basically, they agree to this as an experiment—that they'll pay copyright fees and, unless someone brings up a problem with it, it'll continue. That was a seven-year old contract by that point and no problems had arisen. We said, "Here's a model," and the gallery refused it. So, we charged them with bargaining in bad faith and went to CAPPRT (Canadian Artists and Producers Professional Relations Tribunal)¹³ in 2008, which agreed. The gallery appealed in federal court and we lost. We owe the National Gallery \$17,000 for Court of Appeal costs.

In August 2013, CARFAC's bid to appeal that decision at the Supreme Court was successful. What, in your view, is the crux of the legal contest?

KB: There was a split decision at the Federal Court of Appeal. The majority judges upheld a ruling that basically argued that the artist has the right to be paid less, which is just crackers! There was a dissenting opinion, though, and it formed the basis of what we went to the Supreme Court with. There's the legal piece—how you interpret *Status of the Artist*: is an artwork simply "property," and so on—but, at the root of it, it's about the individual versus the collective.

Copyright is interpreted as an individual right: the artist grants a licence that spells out the particular use of a work. *Status of the Artist* is a collective right: an association negotiates a contract that will be applicable to all artists falling under that contract (in this case, any artist engaged by the National Gallery). The National Gallery argued that the individual right (copyright) trumps the collective right to negotiate a minimum fee. It is important to remember that the artist can individually negotiate above the minimum. The Federal Court of Appeal agreed with the National Gallery, stating that the individual artist has the right to be paid less. It's similar to the "right to work" arguments that are currently being floated by conservative governments to break unions: the right of an individual worker to opt out of the union, and, therefore, possibly be paid less. Of course, our argument, and the argument of unions, is that a negotiated wage, or minimum fee in our case, protects the individual from being exploited.

In May 2014, the Supreme Court of Canada ruled in favour of CARFAC. Can you tell us about the decision?

KB: What the National Gallery had been exploiting was an ambiguity in law: the ambiguity between the *Status of the Artist Act* and the *Copyright Act*. Because one didn't acknowledge the other, it was not clear which one has weight over the other. The CAPPRT always argued that they're compatible, which the Supreme Court ultimately agreed with. The National Gallery argued that they weren't compatible, and they used a number of arguments, one of which was that when artists, particularly visual artists, lend work, we're lending "property." And this was what the Federal Court of Appeal agreed with—they bought the property argument. What we argued is that the lending of artwork is a "service," which is what Justice Pelletier—the judge with the dissenting opinion at the Canadian Federal Court of Appeal—agreed with. It's like renting a car. Yes, the car is a piece of property, but you're renting it and you get a fee for that. That is the core of the argument: the supposed ambiguity and a definition of property and services.

Essentially, the Supreme Court gave us everything. The court agreed with the CAPPRT decision and agreed with a minority Federal Court of Appeals opinion, which means we won outright. You could tell almost as soon as it began that we were going to win. When the judges questioned our lawyer, they were pretty straightforward, asking informational questions. When they got to the National Gallery, they basically said, "what are you guys doing?" One of the early questions from the judges to the National Gallery's lawyer was basically "They were simply asking for a minimum fee. What's the problem?" Right there, I knew we won one way or another. What I realized is all the way along the National Gallery has been stalling—you realize all the ploys have basically bought them time. This whole thing bought them seven years.

What are some of the most immediate implications of the outcome of the case?

KB: Most immediate is our negotiation with the National Gallery.¹⁴

Part of what the Supreme Court recognized is that this was not just affecting one national institution. The case affects any artist who has royalties or where engagers use what is called a pre-existing work. So, any music that has been written for one thing and then is used by a television show or whatever, that now is covered. That's why the Supreme Court decision is important. If we ever get *Status of the Artist* in Ontario, we're fine because this legal decision covers it. If the ruling had been negative, it would have made provincial *Status of the Artist* acts irrelevant. That's the national impact.

People recognize the shift in how major art institutions have functioned over the last thirty years. The irony of the National Gallery is that in 1972 it was one of the first of the major institutions to recognize artist fees. Now it's the one that's fighting them. That's the shift you're seeing. These institutions, particularly the bigger ones, aren't working in the interest of artists. They're working in the interests of notions of audience and their own boards. That's the climate we're dealing with. And you realize in this kind of climate, it's only through a collective bargaining process that you're going to get anything out of these institutions.

What has been the consequence of the victory for CARFAC internally?

KB: It has had an incredible boost on our credibility and our presence. The campaign to raise money (CARFAC raised \$45,000) also raised awareness and interest and consciousness. The win consolidates that. I think it has been an incredible boost for our organization. It puts CARFAC back into public relevance in a certain sense.

I do wish the word of this decision had gotten out more, particularly within the labour movement, because I think this legislation has a relevance to labour that they haven't really picked up on. Particularly when Unifor and other unions are talking about organizing independent contractors. I keep saying there's an interesting model here: sectoral bargaining. You define bargaining by sector, not by place of employment. Legislation like *Status of the Artist* is relevant to sectors Unifor is trying to organize. It wouldn't be impossible and would certainly open the door for doing some serious organizing.

One of the policy mechanisms for improving artists' income is the Artist's Resale Right. This is legislated in several jurisdictions around the world, but not in Canada. Why do you think that's the case? Why is the artist's resale right becoming a more prominent issue at CARFAC now?

KB: In North America, the idea of an artist's resale right was started in the early '70s in New York by Seth Siegelau, a collector and dealer. Impetus came from an incident where this collector sold off a Robert Rauschenberg painting for thousands more than he paid for it years earlier. Collectors were making huge profits. Siegelau⁵ drew up a draft of what a resale right might look like. The basic principle of the artist's resale right is that artists should benefit from the accrual of value from their work. If your work increases in value in your own inventory, you're tax liable.

If artists have liability on this side, they should benefit on the other side, which is the resale right. The idea has been around in Canada for a while, but it's only recently been picked up as a campaign. CARFAC fought to get the resale right into copyright reform in 2010. Why it's never become a larger issue in Canada is maybe because of other struggles around exhibition fees. I think interest in it was revived in Canada around the latest round of copyright reform (i.e., Bill C-11, *Copyright Modernization Act*). Now CARFAC is working on it as a separate campaign, with the aim of introducing legislation on an artist's resale right.

What do you make of the auction house Ritchies' recent announcement that it will voluntarily begin paying artists a resale royalty in Canada?

KB: It's sort of like why the institutions would love to keep fees voluntary. They don't want to be in a binding agreement by law. They want to avoid legislation that would state a particular rate. If the auction houses can keep it voluntary, they can set the rates, and then the chances of getting legislation are pretty slim. They've got good neoliberal advisers.

How useful a piece of legislation is the Status of the Artist Act?⁶⁶ What needs to be done to improve Status of the Artist to better protect cultural workers in Canada?

KB: You only get *Status of the Artist* through pressure. Initially, that pressure came from Québec, where the lobbying effort of the *Union des artistes* really drove the federal legislation. There were also some bureaucrats at the time who supported the idea and who were heavily lobbied by Québec unions. English Canadian unions came in following that. This was in the 1980s. Another important piece of this was the Siren-Gélinas Task Force I mentioned earlier. This was a tactical process to justify the introduction of the legislation.

Status of the Artist is a pretty good piece of legislation as far as labour legislation goes. There are two things missing: first contract arbitration and a clear definition of the copyright issue. There's a technical ambiguity between *Status of the Artist* and the *Copyright Act*. It's not spelled out in either legislation that one is compatible with the other one. The CAPPRT continually ruled that they're compatible—that you can have a collective baseline, and the individual still has the right to negotiate a higher fee.

A real problem with *Status of the Artist* in Canada is that it only exists federally. *Status of the Artist* legislation limits us to federal institutions. So, we can negotiate with institutions like the National Gallery, the Canada Council for the Arts, the Canadian War Museum, and the Canadian Museum of Civilization. That's an incredibly limited scope. The action is on the provincial level.

The other real challenge for us is pressure tactics. As far as visual artists go, let's say we want to apply pressure on the National Gallery, how do we do that? One of the strategies we thought about was that you could have the people in Ottawa picket the National Gallery, but you also picket the major institutions across the country at the same time. You make it trans-institutional—because the institutions

think and behave in the same way. That's one way. And then obviously you do everything you can through social media to shame them. But it's a challenge: how do you get your constituency together in one place to apply pressure?

Originally, CAREFAC took the demand for artist's fees to targeted institutions. We had a small strike at Hart House at the University of Toronto. We targeted the Art Gallery of Ontario. A breakthrough was when the director of the Ontario Arts Council recognized our demands, and then—and this is ironic—the National Gallery was one of the first public galleries to agree to the fee schedule in 1972.

If there's one main point to *Status of the Artist*, it's as a way to access collective bargaining. Pensions and health and all that, along with minimum fees, could then be achieved through collective bargaining. At its core, it's about collective bargaining rights. If you don't have that, you don't have *Status of the Artist*. Every time people say *Status of the Artist*, I say “collective bargaining rights.” That's essentially what it is.

There are artists who are totally—as we probably were initially—enamored of the marketplace and the idea of the individual creator or whatever. But there was a real shift in consciousness through the '70s and '80s from that idea of the market genius to the admission that, “Yes, we do work.” Not all artists would call themselves workers. I would say that if artists don't use the word worker, they might call themselves professionals. But the interesting thing, unique in Canada, is CAREFAC/RAAV and the artist-run centre—both of these move away from the market and into a more collective understanding.

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Biographies

Carole Condé and Karl Beveridge live and work in Toronto. They have collaborated with various trade union and community organizations in the production of their staged photographic and banner work over the past 30 years. Their work has been exhibited across Canada and internationally in both the trade union movement and art galleries and museums. Their work has been included in exhibitions at the Noorderlicht Photofestival, Groningen, Holland; Manif d'art 2014, Québec City, Québec; and the Robert Langen Art Gallery, Wilfrid Laurier University, Waterloo, Ontario. Condé and Beveridge received an Honorary Doctorate from OCAD University in 2010, the Cesar Chavez Black Eagle Cultural Award from the United Food and Commercial Workers, Canada, in 2011, and the Prix de mérite artistique from the Université du Québec à Montréal in 2013.

Notes

1. This is an edited transcript of an interview that took place in Toronto on August 16, 2013 and a follow up interview on July 21, 2014.
2. See our research website at culturalworkersorganize.org.
3. See Bruce Barber (Ed.), 2008.

4. See Julia Bryan-Wilson, 2009.
5. See Baranik, Bromberg, Charlesworth, et al., 1977.
6. Condé and Beveridge's 22-part photo-narrative series based on this struggle is titled *Standing Up* (1981). The book version was published as *First Contract* (Condé & Beveridge, 1986).
7. See Beveridge & Kibbins, 1986.
8. See Robertson, 2006.
9. This was known as the Siren-Gélinas Task Force on the *Status of the Artist* (1986).
10. The *Status of the Artist Act*, enacted in 1995, recognizes the rights of artists and cultural workers to collectively bargain with engagers in the federal jurisdiction (MacPherson, 1999).
11. CARFAC, with the Canadian Artists Representation Copyright Collective, developed a fee schedule in 1968 that outlines how much visual artists should be paid for their professional services and copyrights.
12. A Space Gallery, founded in 1971 in Toronto, is among the oldest artist-run centres in Canada.
13. Until 2012, the CAPPRT was the labour board governing collective bargaining and labour relations between artists and federal producers in the cultural sector. The CAPPRT has been incorporated into the Canada Industrial Relations Board.
14. After the Supreme Court ruling, CARFAC and the National Gallery met for four days in November 2014. The successful negotiations resulted in an agreement sent to CARFAC members to ratify in January 2015. The three-year agreement stipulates minimum fees to be paid to artists for exhibiting their work, rates for reproduction of artists' works, and compensation for use of artists' works in the gallery's permanent collection.
15. See Siegelau, 1971.
16. See Cliché, 1996.

References

- Barber, Bruce (Ed.). (2008). *Condé and Beveridge: Class works*. Halifax, NS & Kingston, ON: The Press of the Nova Scotia College of Art and Design (in association with the Agnes Etherington Art Centre).
- Baranik, Rudolf, Bromberg, Sarina, Charlesworth, Sarah, et al. (1977). *An anti-catalog*. New York, NY: Artists Meeting for Cultural Change Catalog Committee.
- Bryan-Wilson, Julia. (2009). *Art workers: Radical practice in the Vietnam era*. Berkeley, CA: University of California Press.
- Beveridge, Karl, & Kibbins, Gary. (1986). Social and economic status of the artist in Canada. *Fuse* 26(142), 39-47.
- CARFAC. (2014). *Ratification of agreement with National Gallery*. URL: <http://www.carfac.ca/2014/12/ratification-of-agreement-with-national-gallery/> [March 24, 2015].
- Cliché, Danielle. (1996). Status of the artist or of arts organizations? A brief discussion on the Canadian status of the artist act. *Canadian Journal of Communication* 21(2), 197-210.
- Condé, Carole, & Beveridge, Karl. (1986). *First contract*. Toronto, ON: Between the Lines Press.
- Condé, Carole, & Beveridge, Karl. (1981). *Standing up*. URL: Condé, Carole, & Beveridge, Karl. (1986). URL: <http://condebeveridge.ca/?projects=standing-1981> [March 24, 2015].
- Griffin, Kevin. (2014, December 19). Artists to get minimum of \$8,250 for a solo show at the National Gallery. *The Vancouver Sun*. URL: <http://blogs.vancouversun.com/2014/12/19/artists-to-get-minimum-of-8250-for-a-solo-show-at-the-national-gallery/> [March 24, 2015].
- MacPherson, Elizabeth. (1999). Collective bargaining for independent contractors: Is the status of the artist act a model for other industrial sectors? *Canadian Labour & Employment Law Journal* 7(3), 335-389.

- Miranda, Michael. (2009). *Waging culture: A report on the socio-economic status of Canadian visual artists*. Toronto, ON: The Art Gallery of York University. URL: http://theagyuisoutthere.org/wagingculture/images/AGYU_WagingCulture.pdf [March 24, 2015].
- Robertson, Clive. (2006). *Policy matters: Administrations of art and culture*. Toronto, ON: YYZBOOKS.
- Siegelau, Seth. (1971). *The artist's reserved rights transfer and sale agreement*. URL: <http://www.primaryinformation.org/the-artists-reserved-rights-transfer-and-sale-agreement-1971/> [April 8, 2015].